

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

Midas Green Technologies, LLC,

Plaintiff,

- vs. -

Rhodium Enterprises, Inc.;
Rhodium Technologies LLC;
Rhodium 10mw LLC;
Rhodium 2.0 LLC;
Rhodium 30mw LLC;
Rhodium Encore LLC;
Rhodium Industries LLC;
Rhodium JV LLC;
Rhodium Renewables LLC;
Rhodium Shared Services LLC;
Rhodium Shared Services PR Inc.;
Chase Blackmon;
Cameron Blackmon;
Nathan Nichols, and
Rhodium 2.0 Sub LLC;
Rhodium Encore Sub LLC;
Rhodium Renewables Sub LLC;
Rhodium Ready Ventures LLC;
Rhodium 10MW Sub LLC;
Rhodium 30MW Sub LLC;
i Ventures Enterprises LLC (fka Energy Tech LLC);
Air HPC LLC;
Jordan HPC LLC; and
Jordan HPC Sub LLC.

Defendants.

Civil Action No. 6:22-cv-00050-ADA

Jury Trial Demanded

NOTICE OF AGREEMENT REGARDING
RESPONSE TO SECOND AMENDED COMPLAINT

Defendants Rhodium Enterprises, Inc., Rhodium Technologies LLC, Rhodium 10mw LLC, Rhodium 2.0 LLC, Rhodium 30mw LLC, Rhodium Encore LLC, Rhodium Industries LLC,

Rhodium JV LLC, Rhodium Renewables LLC, Rhodium Shared Services LLC, Rhodium Shared Services PR Inc., Chase Blackmon, Cameron Blackmon, Nathan Nichols, Rhodium 2.0 Sub LLC, Rhodium Encore Sub LLC, Rhodium Renewables Sub LLC, Rhodium Ready Ventures LLC, Rhodium 10MW Sub LLC, Rhodium 30MW Sub LLC, i Ventures Enterprises LLC (fka Energy Tech LLC), Air HPC LLC, Jordan HPC LLC, and Jordan HPC Sub LLC (collectively, “Defendants”) hereby files this notice that Defendants and Plaintiff Midas Green Technologies, LLC (“Midas”) have conferred and agree that:

- The Defendants named in the second amended complaint need not provide an answer to that complaint until 14 days after Midas re-pleads its final amended complaint.
- By not filing an answer or motion on today, February 15, 2023, in response to the second amended complaint, the Defendants named in the second amended complaint have not waived the ability to raise any claim or defense, or to make any motion, in response to Midas’s complaint, that the Defendants would have otherwise had available to them.

DATED: February 15, 2023

Respectfully submitted,

/s/ Kat Li

Kat Li
State Bar No. 24070142
KIRKLAND & ELLIS LLP
401 Congress Avenue
Austin, TX 78701
Telephone: (512) 678-9100
Facsimile: (512) 678-9101
kat.li@kirkland.com

Gianni Cutri (*Admitted Pro Hac Vice*)
Greg Polins (*Admitted Pro Hac Vice*)
KIRKLAND & ELLIS LLP
300 N. LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
gianni.cutri@kirkland.com
greg.polins@kirkland.com

Ashley L.B. Ross (*Admitted Pro Hac Vice*)
KIRKLAND & ELLIS LLP
601 Lexington Ave.
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4600
ashley.ross@kirkland.com

Attorneys for Defendants

Rhodium Enterprises, Inc., Rhodium
Technologies LLC, Rhodium 10mw LLC,
Rhodium 2.0 LLC, Rhodium 30mw LLC,
Rhodium Encore LLC, Rhodium Industries
LLC, Rhodium JV LLC, Rhodium Renewables
LLC, Rhodium Shared Services LLC, Rhodium
Shared Services PR Inc., Chase Blackmon,
Cameron Blackmon, Nathan Nichols, and
Rhodium 2.0 Sub LLC, Rhodium Encore Sub
LLC, Rhodium Renewables Sub LLC,
Rhodium Ready Ventures LLC, Rhodium
10MW Sub LLC, Rhodium 30MW Sub LLC; i
Ventures Enterprises LLC (fka Energy Tech
LLC), Air HPC LLC, Jordan HPC LLC, and
Jordan HPC Sub LLC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who have appeared electronically in this case are deemed to have consented to electronic service and are being served on February 15, 2023 with a copy of this document via the Court's CM/ECF system.

/s/ Kat Li _____
Kat Li